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NVIC 10-94, CH-2
August 11, 2000

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 10-94, CH-2

Subj: CH-2 TO NVIC 10-94, GUIDANCE FOR DETERMINATION AND DOCUMENTATION OF THE OIL POLLUTION ACT OF 1990 (OPA 90) PHASE-OUT SCHEDULE FOR EXISTING SINGLE HULL VESSELS CARRYING OIL IN BULK

1. PURPOSE. This Circular revises Navigation and Vessel Inspection Circular (NVIC) No. 10-94 to provide direction to the Coast Guard's field personnel to determine the phase-out date of an existing single hull tank vessel in accordance with OPA 90, which may be reconstructed to be configured as a single hull vessel with only double sides or only a double bottom. This direction was not originally discussed in NVIC 10-94, and questions have arisen from industry on the possible extension of an existing single hull tank vessel's phase-out by five years, by reconstructing its original single skin hull with only double sides or only a double bottom.

2. DISCUSSION. On June 23, 2000, the Coast Guard published a final rule in the Federal Register (65 FR 39260) which added two notes in 33 CFR part 157, regarding the determination of an existing single hull tank vessel's phase-out date due to the addition of a double bottom or double sides to its original single hull design after August 18, 1990.

   a. The note added after 33 CFR 157.10d (a)(4), clarifies that a reconstruction of a single hull tank vessel to a single hull with only double sides or a single hull with only a double bottom, after August 18, 1990, will not allow the extension of the existing vessel's initially determined phase-out date under OPA 90. Thus, the vessel hull configuration as of August 18, 1990, would be the hull design used to determine the existing tank vessel's phase-out date, and no other as provided in Appendix G of 33 CFR part 157.

   b. The note added after 33 CFR 157, Appendix G, restates the policy that a tank vessel's hull design as of August 18, 1990, would be the one used to determine an existing tank

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vessel's phase-out date for OPA 90. Alteration of the hull design to include double sides or a double hull after August 18, 1990, will not allow an extension of the tank vessel's phase-out date. The note also clarifies that if a reconstruction was completed on an existing single hull tank vessel which allowed it to meet the double hull standards of 33 CFR 157.10d, the conversion would comply with OPA 90, and would not be considered a major conversion.

3. IMPLEMENTATION. Make the following changes to the subject NVIC:

   a. Remove the original page 7 of enclosure (1) to NVIC 10-94, and insert page 7 of enclosure (1), CH-2.

   b. Remove the original page 11 of enclosure (1) to NVIC 10-94, and insert page 11 of enclosure (1), CH-1 & 2.

S/S
Joseph J. Angelo
Acting Assistant Commandant for Marine
Safety and Environmental Proctection

Encl: (1) Pages 7 and 11 of enclosure (1), NVIC 10-94

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actions by the Coast Guard marine inspector may be limited to ensuring that none of these applicability parameters have changed since the vessel was last examined.

On boarding the vessel, the Coast Guard marine inspector should verify the answers researched on the above applicability questions. Specifically, ensure that the vessel design is either a single hull, or a single hull with double side or double bottom. If an existing single hull vessel does have double sides or double bottom voids that meet the minimum width or height dimensions of 33 CFR 157.lOd, this will extend the vessel's operations in U.S. waters per the phase-out schedule in 33 CFR 157 Appendix G. These void dimensions can be verified by vessel's plans, and do not require compartment entry for acceptance. If the double side or bottom voids do not cover the complete cargo tank length (33 CFR 157.03(aa)) of the vessel, or do not meet the minimum width requirement for side voids or minimum height requirement for bottom voids, the vessel will be considered as a single hull tank vessel for the phase-out schedule of 33 CFR 157, Appendix G.

If an existing single hull tank vessel (built before August 18, 1990), is reconstructed so that its hull becomes a single hull with double sides only, or a single hull with a double bottom only, after August 18, 1990, its phase-out date ***will not be extended from its original date of phase-out*** (see note at end of 33 CFR 157.10d or at end of 33 CFR 157, Appendix G.) Single hull tanks vessels built before August 18, 1990, that were built with single hulls with only a double bottom, or only double sides, are allowed a five year longer phase-out date as provided in OPA-90, and listed in 33 CFR 157, Appendix G.

Determining the Phase-Out Date for a U.S. Single Hull Vessel.

A single hull vessel (contracted before June 30, 1990, or delivered before January 1, 1994) must meet the U.S. double hull standards of 33 CFR 157.lOd per the date required by 33 CFR 157 Appendix G. The phase-out schedule of 33 CFR 157 Appendix G, for single hull vessels over 5000 gross tons begins January 1, 1995, and ends January 1, 2015. All single hull tank vessels, including those with double sides or double bottom that are less than 5000 gross tons, can continue carrying oil in bulk before January 1, 2015, unless they undergo a major conversion contracted after June 30, 1990. Part IV of this enclosure, provides six tables for vessels of 5000 gross tons or greater, which are broken down by vessel age, gross tonnage and vessel hull design, to ensure ease in determining the phase-out date and consistency in enforcement.

Documentation of Phase-out Date for Single Hull Vessel.

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Documenting the phase-out date for U.S. single hull vessels will be critical to the ability of numerous U.S. vessels to continue to transport oil in bulk. Many major decisions involving vessel operating contracts and lifespans will be made by vessel owners and operators due to the phase-out date in 33 CFR 157 Appendix G. After the inspection has verified the vessel's design, age, and gross tonnage, the COI shall be endorsed with the following statement in the "Route Permitted and Conditions of Operation" block of the COI certificate:

> "On *(specify date of phase-Out per 33 CFR 157 Appendix G*) this vessel must meet the U.S. double hull design standards of 33 CFR 157.10d."

e. What is the vessel's gross tons?

The answers will determine how or if the U.S. double hull standards apply. These answers are found by reviewing the information provided from the "Vessel Log and Forms" or "Vessel File" (VFLI or VFEI) sections of MSI S. As discussed later in this part, if the vessel's Tank Vessel/ Freight Vessel Examination Letter is properly endorsed regarding the U.S. double hull standards, actions by the Coast Guard marine inspector or boarding officer may be limited to ensuring that none of these applicability parameters have changed since the vessel was last examined.

On boarding the vessel the boarding team, which should include a marine inspector, will verify the answers researched on the above applicability questions. The marine inspector should also inquire whether the vessel's Flag Administration has issued a letter stating compliance with the U.S. double hull standards per 33 CFR 157.24. If so, a copy should be retained by the boarding team and noted in the MSIS Port Boarding notes. If the tank vessel was delivered after April 10, 1995, and the vessel's International Oil Pollution Prevention (IOPP) Certificate, Form B, notes that the vessel meets the double hull standards of Regulation 1 3F (3), the boarding officers can accept the Form B documentation (paragraph 5.8.1.1 is marked with an "x"), that the tank vessel meets the U.S. double hull standards of 33 CFR 157.10d. If there is a need to ensure that the vessel design is either a single hull, or a single hull with double sides or double bottom, the marine inspector shall complete an analysis of the ship's plans or documentation.

If a single hull vessel does have double sides or double bottom voids that meet the minimum width or height dimensions of 33 CFR 157.10d, this will extend the vessel's operations in U.S. waters per the phase-out schedule in 33 CFR 177 Appendix G. These void dimensions can be verified by vessel's plans, and do not require compartment entry for acceptance. If the double side or bottom voids do not cover the complete cargo tank length (33 CFR 157.03(aa)) of the vessel, or do not meet the width for side voids or height for bottom voids, the vessel will be considered a single hull for the phase-out schedule of 33 CFR 157 Appendix G.

If an existing single hull tank vessel (built before August 18, 1990), is reconstructed so that its hull becomes a single hull with double sides only, or a single hull with a double bottom only, after August 18, 1990, its phase-out date ***will not be extended from its original date of phase-out*** (see note at end of 33 CFR 157.10d or at end of 33 CFR 157, Appendix G.) Single hull tanks vessels built before August 18, 1990, that were built with single hulls with only a double bottom, or only double sides, are allowed a five year longer phase-out date as provided in OPA-90, and listed in 33 CFR 157, Appendix G.

Determining the Phase-Out Date for a Foreign Single Hull Vessel.

A foreign single hull vessel (contracted before June 30, 1990, or delivered before January 1, 1994) must meet the U.S. double hull standards of 33 CFR 157.lOd per the date required by 33 CFR 157 Appendix 0. The phase-out schedule of 33 CFR Appendix 0, for single hull vessels over 5000 gross tons begins January 1, 1995, and ends January 1, 2015. All single hull tank vessels including those with double sides or double bottom that are less than 5000 gross tons, can continue carrying oil in bulk in U.S. waters before January 1, 2015, unless they undergo a major conversion

contracted after June 30, 1990. Part IV of this enclosure provides six tables for vessels of 5000 gross tons or greater, which are broken down by vessel age, gross tonnage and vessel hull design, to ensure ease of determining the phase-out date and consistency in documentation.